

VZCZCXYZ0004  
RR RUEHWEB

DE RUEHLS #1419/01 2861428  
ZNY CCCCC ZZH  
R 131428Z OCT 06  
FM AMEMBASSY LUSAKA  
TO RUEHC/SECSTATE WASHDC 3350  
INFO RUCNSAD/SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

C O N F I D E N T I A L LUSAKA 001419

SIPDIS

SIPDIS

E.O. 12958: DECL: 10/13/2016

TAGS: [KDEM](#) [PGOV](#) [EAID](#) [ZA](#)

SUBJECT: ZAMBIAN ELECTIONS: A WARTS-AND-ALL INSIDER'S ACCOUNT

REF: A. LUSAKA 1362

- [¶](#)B. LUSAKA 1350
- [¶](#)C. LUSAKA 1340
- [¶](#)D. LUSAKA 997
- [¶](#)E. LUSAKA 702

Classified By: CDA ANDREW PASSEN, REASONS 1.4 (B), (D)

[¶](#)1. (C) Summary. President Mwanawasa won Zambia's September 28 presidential election "fair and square," according to an experienced international elections expert who worked closely on the electoral process. The expert also noted serious shortcomings in the management of election results and in the performance of senior staff of the Electoral Commission of Zambia. He harshly criticized the ECZ's Information Technology Department, its legal advisors, its public relations personnel, and the South African contractor that set up and operated the results management system, while praising ECZ Chairperson Judge Irene Mambilima for her efforts and leadership, despite the failings of many of those on whom she had to rely. End summary.

[¶](#)2. (C) In an October 12 meeting, an experienced international elections expert and senior technical advisor to the Electoral Commission of Zambia, shared candid feedback on Zambia's September 28 elections in a meeting with representatives from resident diplomatic missions who provided support to the Zambian elections. The expert, an expatriate funded by the United Nations Development Program Trust Fund (Ref D), worked with the senior permanent staff at the ECZ as well as with the appointed Chairperson and Commissioners who oversee the work of the commission. He said that he was sharing his observations to ensure that donors were better aware of problem areas within the ECZ, with the hope that donors could provide support to the ECZ Chairperson, who intends to make some changes and improvements based on her experiences with the 2006 election process.

Preparations and Election Day Far Better Than 2001...

---

[¶](#)3. (C) The expert began his readout by accentuating the positives, starting with the election preparations. Overall, election materials were delivered on time, in advance of election day, and most stations opened on time or not long after 6 AM. A few isolated problems occurred when field staff opted to do things "their way" instead of following clearly stated ECZ procedures, he said. He also praised the work of the ECZ officials who handled voter education and training, despite limited time and resources. In the future, ECZ Chairperson, Judge Mambilima would like to set up a special unit with more resources dedicated to training, he told donors.

... But Election Results Process a Disaster

---

¶ 14. (C) The South African contractor that set up the electronic results management system, as well as senior ECZ IT staff, assured the Chairperson and Commissioners that the system was reliable. The contractor and ECZ IT staff downplayed the expert's suggestion that a strong alternative to the electronic system be set up, just in case the system failed. When it became clear that the electronic system was not performing adequately, Judge Mambilima made the decision to shift to a manual system of transmitting results, using fax machines. However, the ECZ had not taken the expert's advice to develop an effective manual system, so the results reporting was not comprehensive. The ECZ simply received faxed cumulative counts from the district collating centers, without any further documentation, which left the Chairperson with little information available to address questions from opposition parties and civil society. The IT department "let us down every step of the way," the expert said, adding that the Judge intends to deal with the problem.

¶ 15. (C) The expert said he made a number of other technical suggestions to improve the results management process, but none were heeded by ECZ staff. For example, he urged the ECZ to ensure consistency across all reporting formats (he suggested reporting results in "ballot-paper order"), to minimize confusion and human error. The IT staff and contractor did not follow his suggestions and, as a result, the computer form filled out for the electronic results reporting system used a different order, and manual forms differed. The expert said the tremendous discrepancies between the number of votes cast for president compared to national assembly candidates in some constituencies could be attributed (in part) to the inconsistent reporting formats. He also noted that rules were applied unevenly, evidenced by several constituencies that reported zero rejected ballots

(which he called "statistically impossible"). He added that increased training for polling station officials could help reduce human error in recording and reporting results. The ECZ has the ability to audit polling station results and the expert said he would encourage Judge Mambilima to audit a small number of polling stations where the discrepancy between the number of presidential and parliamentary votes cast was particularly large.

¶ 16. (C) Despite the "disaster" with the election results process, the expert reassured donors that he and his fellow international technical advisors working at the ECZ observed no clear pattern in the discrepancies that would indicate any tampering with the tabulation or results. The bottom line was that results were "genuine" and not rigged in favor of any party or candidate. "President Mwanawasa has won this election, fair and square," he stated. He did note concerns over results in local government contests, which have not yet been finalized, and mentioned that a returning officer had incorrectly announced a ruling party candidate as the winner in the Western Province Lukulu West constituency, which should have been declared for an opposition party candidate.

#### Problems With Electoral Act and Interpretation...

---

¶ 17. (C) The expert also shared concerns about the current Electoral Act, which he described as "appalling" and "littered with contradictions." The new Electoral Act enacted by the GRZ in 2006 was very similar to the law it replaced (Ref E) and failed to take into account many of the procedural changes that the ECZ made when it prepared the voter register. Even worse, he said, was the extremely narrow interpretation of the election law, based on the thinking, "if the law is silent about something, this means it cannot be done." This is not standard practice around the world, the expert stressed. Rather, election law is normally interpreted in a way that favors enfranchisement. Based on rigid interpretation of the law, he believes that some election officials rejected ballots that were not stamped by polling station officials (per the administrative procedures of the ECZ), but other officials were less strict and heeded

a statement by the Deputy Chief Justice, who reportedly encouraged a more pro-enfranchisement interpretation of rules and regulations governing the election.

¶ 8. (C) He also told donors that he had recommended that the ECZ develop some simple procedures to enable voters who were in possession of valid voter cards but whose names were omitted from the voter register to cast a provisional vote. Chairperson Mambilima and other Commissioners endorsed the recommendation, but senior officials of the ECZ refused to implement it, because it was "too much trouble." The failure to address the problem of omissions from the voter rolls resulted in some very negative press coverage of a few polling stations on election day (Ref C), particularly in one Lusaka polling station where omitted voters vociferously protested, and fueled suspicions about possible GRZ interference in the electoral process.

...And Bigger Problems With ECZ Staff

---

¶ 9. (C) The expert said one of the most significant problems he observed was with the staff members at the ECZ, many of whom were motivated exclusively by self-interest and financial enrichment. Although he described the environment at the ECZ as very "political," he clarified that this referred to internal power struggles and personality clashes.

He and his fellow international technical advisors who worked closely with the ECZ did not observe any evidence of partisanship on the part of the ECZ staff.

¶ 10. (C) One example he gave was of a senior officer in charge of logistics who maneuvered to remain in Durban for the full six-week duration of the ballot printing exercise, gaining significant per diem allowances while effectively abandoning his responsibility for managing in-country logistics. Instead, an international advisor assigned to support the logistics official had to step in and handle all the election-related logistics.

¶ 11. (C) In another example, he noted that public relations (PR) officials at the ECZ complained to Judge Mambilima that a potential international technical advisor--who had already conducted a highly critical but accurate needs assessment--would be "too disruptive" to the work of the PR department. The advisor was not hired to work longer-term with the ECZ and it was too late to identify another international expert. As a result, the handling of public relations issued suffered and "Judge Mambilima was not served well" by the department. For example, an extremely

informative and helpful short film about election procedures on Election Day was prepared by the voter training and awareness team, but never aired on local television. In addition, the ECZ resolved a highly controversial vote count discrepancy in an urban Lusaka constituency, Munali, which had created a public impression of foul play by the ECZ (Ref B) and helped fuel violent protests in the aftermath of elections (Ref A). To this day, the ECZ has not provided a public explanation about the favorable resolution of the Munali discrepancy.

¶ 12. (C) Finally, the expert criticized the ECZ legal department for its poor advice and support to the Chairperson and Commissioners. As described above, they narrowly interpreted electoral law and rules. They maintained, for example, that the ECZ simply cannot do a recount. Although this is "technically correct," the expert believes the law can be interpreted differently. Most troubling, he said, is the ECZ stance regarding identified and confirmed problems with specific election results. Based on advice from its lawyers, the ECZ said it will inform candidates about problems with results, but will not make an appeal on their behalf. Instead, at some expense, candidates will have to engage a lawyer and file a petition to question the results and request a legal review. Donors should pressure the ECZ to take administrative action to correct results when mistakes are obvious, the expert said. At a minimum, the

ECZ should make individual polling station results available to candidates who are considering a legal challenge, even though the Electoral Act does not require the Commission to do so.

Praise for Judge Mambilima...and Hope for a Better ECZ

---

¶13. (C) In the expert's opinion, without Judge Mambilima and the handful of international technical advisors, the ECZ would have performed just as badly or even worse in 2006, compared to 2001 elections. He commended Judge Mambilima's leadership and noted that she could not always impose her will and had to give authority to the senior ECZ staff, because she had to rely on them to get the job done. He mentioned that in the days just before the election he gave the Judge a four-page memo outlining many of his concerns and that in private conversations with him, she bluntly acknowledged the problems and told him she plans to do something about them.

¶14. (C) Comment. Many of the observations of the technical expert could be viewed as an "I told you so," self-serving account of the problems with the recent election. However, in our extensive exchanges with him in recent months, he has always come across as earnest, objective and committed to doing a good job. We believe his stated intent of sharing this feedback, and share his hope that Judge Mambilima will stay on the job and make needed changes to the ECZ. We also share his assessment about the undeniably positive impact that Judge Mambilima and the international experts who assisted the ECZ had on the conduct of elections.

PASSEN